



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas J. LA ROSA *et al.*

Appln. No.: 10/612,783

Filed: July 2, 2003

For: Nucleic Acid Molecules and Other Molecules Associated with Plants and Uses Thereof
for Plant Improvement

Conf. No.: 2839

Art Unit: 1638

Examiner: Phuong T. BUI

Atty. Docket: 16517.288/38-21(53373)B

Petition to Amend Priority Under 37 C.F.R. § 1.78(a)(3)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to amend the priority claim in the above-captioned U.S. application under 37 C.F.R. § 1.78(a)(3). Authorization to charge the official fee for this Petition is given in the accompanying transmittal letter. A duplicate copy of this Petition is enclosed.

On May 6, 1999, the above-captioned U.S. Application (the “ ‘783 Application”) was filed and included a paragraph claiming priority to, and incorporating by reference, several applications, a copy of which paragraph is attached hereto as Exhibit 1. The priority claim was amended in Applicants’ Amendment, dated April 22, 2008. Subsequently, it was determined that the ‘783 Application shares common subject matter with additional applications presented in the priority claim of the application as filed, which this petition requests to add to the current priority claim.

In the Application Data Sheet filed herewith (the “ADS”), and in the Amendment under 37 C.F.R. § 1.115 filed herewith (the “Amendment”), Applicants have amended the claim for priority of the ‘783 Application to reflect the additional priority data determined by Applicants. As such, Applicants believe that the present Application is entitled to the priority claims as submitted in the ADS and respectfully request that the information in the ADS be entered.

Applicants note that priorities listed in the Application Data Sheet and Amendment submitted herewith reflect the additional priority data in the '783 Application as determined by Applicants.

Applicants assert that the entire delay between the date for making a priority claim under 37 C.F.R. § 1.78(a)(2)(ii) and the date such priority claim was made was unintentional, and respectfully request that the above-captioned U.S. Application be amended to reflect the priority for the invention now claimed.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

Authorization to charge the fee for submission of this Petition is given in the accompanying transmittal letter. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)
David R. Marsh (Reg. No. 41,408)

Date: April 24, 2008

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**NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH
PLANTS AND USES THEREOF FOR PLANT IMPROVEMENT**

This application claims the benefit of US applications 60/067,000 filed on November 24,
5 1997; 09/199,129 filed on November 24, 1998; 60/069,472 filed on December 9, 1997;
09/210,297 filed on December 8, 1998; 60/066,873 filed on November 25, 1997; 09/198,779
filed on November 24, 1998; 60/083,388 filed on April 29, 1998; 60/080,844 filed on April 7,
1998; 09/283,466 filed on April 2, 1999; 60/083,389 filed on April 29, 1998; 60/085,245 filed on
May 13, 1998; 60/072,888 filed on January 27, 1998; 09/237,183 filed on January 26, 1999;
10 60/072,027 filed on January 21, 1998; 09/233,218 filed on January 20, 1999; 60/076,912 filed on
March 6, 1998; 09/262,979 filed on March 4, 1999; 09/987,899 filed on November 16, 2001;
60/078,031 filed on March 16, 1998; 09/267,199 filed on March 12, 1999; 60/087,973 filed on
June 4, 1998; 60/071,064 filed on January 9, 1998; 09/227,586 filed on January 8, 1999;
60/085,429 filed on May 8, 1998; 60/076,709 filed on March 4, 1998; 09/252,974 filed on
15 February 19, 1999; 09/955,216 filed on September 19, 2001; 60/084,684 filed on May 8, 1998;
09/304,517 filed on May 6, 1999; 09/371,146 filed on August 9, 1999; 09/654,617 filed on
September 5, 2000; 09/684,016 filed on October 10, 2000; 09/985,678 filed on November 5,
2001; 60/087,631 filed on June 2, 1998; 60/091,035 filed on June 29, 1998; 60/085,533 filed on
May 15, 1998; 60/071,479 filed on January 13, 1998; 09/229,413 filed on January 12, 1999;
20 60/179,730 filed on February 2, 2000; 09/733,089 filed on December 11, 2000; 09/733,370 filed
on February 1, 2001; 09/826,019 filed on April 5, 2001; 09/816,660 filed on March 26, 2001;
09/922,293 filed on August 6, 2001; 10/155,881 filed on May 22, 2002; 60/074,201 filed on
February 10, 1998; 09/244,000 filed on February 8, 1999; 09/978,703 filed on October 18, 2001;